

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JO ANN HOWARD &
ASSOCIATES, P.C., *et al.*,

Plaintiffs,

VS.

Case No. 4:09CV01252 ERW

J. DOUGLAS CASSITY, *et al.*,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the court upon the parties’ request for a teleconference to discuss scheduling depositions of defendants whose designation to the Federal Bureau of Prisons is pending, and upon the “Motion and Memorandum to Withdraw as Counsel for Defendants David R. Wulf and Wulf Bates & Murphy, Inc.” [ECF No. 1356].

On January 3, 2014, the Court conducted the requested teleconference, with the following parties participating through counsel or pro se: Larry Pozner and Daniel Reilly (appearing on behalf of plaintiffs); Jonathan Andres (appearing on behalf of Wulf defendants); J. Douglas Cassity (pro se); Brent D. Cassity (pro se); Seong Yon Lee and Deirdre Gallagher (appearing on behalf of Tyler J. Cassity); Adam Goffstein (appearing on behalf of Katherine P. Scannell); Paul Simon, Jr. (appearing on behalf of Wittner defendants); Steven Cohen (appearing on behalf of Roxanne Schnieders); Christopher LaRose (appearing on behalf Marshall & Isley Trust Company and Southwest Bank); Sandra Wunderlich and Andrew Scavotto (appearing on behalf of U.S. Bank); Andrew Keyes (appearing on behalf of National City Bank and PNC Bank); W. Perry

Brandt (appearing on behalf of Bank of America); Harry Arger (appearing on behalf of Comerica Bank and Trust); Steven Hughes (appearing on behalf of Brown Smith Wallace); and Gary Sarachan (appearing on behalf of Richard Markow).

During the teleconference, the parties indicated an issue before the Court concerned whether the defendants whose designation to the Federal Bureau of Prisons would be required to submit to deposition prior to their designated surrender dates. After hearing arguments, the Court ruled it would be impractical to depose those defendants before their known surrender dates. Attending counsel and parties announced they will confer and attempt to schedule depositions of the parties, excluding those designated to the Bureau of Prisons, under the Court's current scheduling order. As to the depositions of the designated defendants, counsel will provide the Court with the identification of the attorneys expecting to be present at each deposition in person, by telephone connection, or by video connection, for each incarcerated defendant. The parties will confer and advise the Court of the Bureau of Prisons' location for each incarcerated defendant. The Court will confer with the Bureau of Prisons officials to determine a procedure for deposing incarcerated defendants.

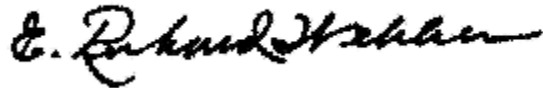
At the conclusion of the teleconference, the Court heard argument on the pending "Motion and Memorandum to Withdraw as Counsel for Defendants David R. Wulf and Wulf Bates & Murphy, Inc." For good cause shown, counsel shall be permitted to withdraw. Defendants David R. Wulf and Wulf Bates & Murphy, Inc. are hereby notified they have thirty (30) days from entry of this Order to employ successor civil counsel to represent them in this matter.

Accordingly,

IT IS HEREBY ORDERED that counsel's "Motion and Memorandum to Withdraw as Counsel for Defendants David R. Wulf and Wulf Bates & Murphy, Inc." [ECF No. 1356] is **GRANTED**. Defendants David R. Wulf and Wulf Bates & Murphy, Inc. are hereby notified they have thirty (30) days from entry of this Order to employ successor civil counsel to represent them in this matter.

IT IS FURTHER ORDERED that counsel and parties shall confer and advise the Court concerning the scheduling of depositions, in accordance with this Memorandum and Order.

Dated this 3rd day of January, 2014.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE